Higher Education Governance (Scotland) Bill - Call for Evidence
Submission from Duncan MacNiven

The Committee sought evidence to inform its consideration of the Bill. I write as a graduate of Aberdeen and Robert Gordon universities and as a member of the Business Committee of Aberdeen University, on which I represent the graduate body.

What do you consider to be the existing problems (if any) with higher education governance, particularly around modernity, inclusion and accountability?

No organisation is perfect and governance must be kept under review to ensure that it achieves the right outcome. But the proposals in the Bill (and in the review by Ferdinand von Prondzynski on which it is based) are not supported by evidence of governance shortcomings. Our universities achieve excellence on the international stage (four, including Aberdeen, are in the top 200 worldwide, and Robert Gordon is outstanding in terms of employment after graduation). The problems which they face - and which it is important to Scottish life that they tackle - are to do with bettering the student experience, improving the quality of research, and striving to get further up the world university rankings, within strictly limited funding. Changing the governance will not help their efforts, and indeed will tend to hinder, by distracting management attention.

The extent to which the Bill will improve higher education governance, particularly in the areas above

It seems to me that the Bill will tend to damage the inclusivity of governance of Aberdeen University. At present, the graduate body has four representatives on the Court. Two are prescribed by the Bill – and, while it would be open to the university to continue with four, I suspect that two would become the upper as well as the lower limit, in the interests of keeping the size of the Court manageable. The university would lose the considerable experience in many fields which the present four graduate members bring to the Court. It is of course important that the student body should be represented in the governance of the university. But it seems to me that that is already achieved in Aberdeen by the longstanding arrangement that the Rector chairs the Court (which is threatened by the Bill) and the two student representatives on the Court. I oppose giving union representatives a statutory place on the Court. It seems to me that the sectional interest of the staff could damage the universities’ striving for excellence, because staff will tend to be conservative, favouring the status quo at a time when the pursuit of excellence requires continual change.

The extent to which the Bill may alter the higher education sector’s current level of autonomy

I am concerned that the Bill would give Ministers too great an influence in universities’ governance. The Scottish Code of Good Higher Education Governance has recently ensured that universities’ governance meets modern standards. I do not see the need to legislate on the matter, and am concerned that the Bill gives Ministers
wide powers to alter the governance arrangements by regulation, subject to much less
close parliamentary and public scrutiny than primary legislation.

The extent to which the Bill may affect lines of accountability between the Scottish
Government, relevant public bodies and the higher education sector

I have nothing to add to what I have written elsewhere.

Has the correct balance been struck between legislative and non-legislative
measures? Are any further measures needed?

As I have made clear, I do not think that legislation is either necessary or desirable.
My impression is that the consultation carried out by the Scottish Government before
the Bill was introduced, demonstrated that there was much more opposition to than
support for their proposals.

Yours sincerely,

DUNCAN MACNIVEN